

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of HOLLY PHILLIPS, IAN
PHILLIPS, BRITTANY PHILLIPS, FRANK
PHILLIPS, RENE PHILLIPS, and JUSTIN
PHILLIPS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRENDA PHILLIPS,

Respondent-Appellant,

and

JOHN PHILLIPS,

Respondent.

UNPUBLISHED
August 28, 2003

No. 246956
Kalamazoo Circuit Court
Family Division
LC No. 02-000281-NA

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order assuming jurisdiction over her children under MCL 712A.2(b)(2). We affirm.

The trial court did not clearly err in concluding that there was a preponderance of evidence establishing that the children came within the statutory requirements of MCL 712A.2(b)(2). *In re Brock*, 442 Mich 101, 108-109; 499 NW2d 752 (1993); *In re SR*, 229 Mich App 310, 314-315; 581 NW2d 291 (1998). In addition, the trial court did not clearly err in considering evidence of respondent-appellant's decision regarding an extracurricular activity or respondent-appellant's involvement with John Phillips losing his job in its decision to assume jurisdiction over the children. The court had ample other evidence of respondent-appellant's cruel behavior and appropriately considered respondent-appellant's actions regarding band camp and the car insurance premium as further evidence of respondent-appellant's disregard of the negative effect her actions had on the children.

The trial court also did not abuse its discretion in its decision to exclude respondent-appellant's testimony regarding Justin's past behavior and mental health issues. *People v Starr*, 457 Mich 490, 494; 577 NW2d 673 (1998). Respondent-appellant was able to provide a defense against the allegations in the petition without considering evidence of events that occurred outside of the summer of 2002.

Affirmed.

/s/ Jane E. Markey

/s/ Mark J. Cavanagh

/s/ Henry William Saad